

## MINUTES

### RANDOLPH COUNTY PLANNING BOARD

**August 3, 2004**

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, August 3, 2004, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; Chris McLeod, present; and Jim Rains, present. County Attorney Alan Pugh was present for this meeting.
3. **Dorsett** made the motion, seconded by **Craven**, to **approve** the Minutes of the July 13, 2004 County Planning Board Meeting. The motion passed unanimously.
4. **SPECIAL USE PERMIT REQUESTS:**

*Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."*

Eighteen citizens took this oath.

- A. **TAMMY BLAKLEY**, Ramseur, North Carolina, is requesting a Special Use Permit for a rural family occupation to operate a small dog kennel from a proposed 14' x 24' building at her residence located on 2.25 acres at 638 Lee Layne Road, Columbia Township, Zoning District RR, Tax ID# 8712628762.

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved.**

**Tammy Blakley** was present for this meeting and explained that they breed their personal pets. Blakley said they plan to construct a building that would be heated and air-conditioned because their small dogs cannot tolerate extreme temperatures. Blakley said they would have no more than ten dogs at the small

facility. **Brown** asked if she would be boarding dogs and Blakley answered they would not be boarding dogs for other people.

There was no one present in opposition to this request.

**Brown** made the motion, seconded by **Craven**, to approve this request for a Special Use Permit. The motion passed unanimously.

- B. **JIMMIE CLARK**, Lexington, North Carolina, is requesting a Special Use Permit to allow a private resident academy for teenage girls in the Old Farmer School facility located at 4751 Dunbar Bridge Road, 17.18 acres, Concord Township, Zoning District RR, Tax ID# 7609936350. Andy Lineberry Sports Center - Property Owner.

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that this proposal was consistent with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The old existing Farmer School educational facility limits itself to its possible uses. The structures were built for educational or institutional uses. The Technical Review Committee recommends to the County Planning Board that this request be approved.**

**Johnson** explained this request was heard a couple of months ago by the Board. At that time, the Board requested more information and postponed a decision on the request. Johnson explained there was concern addressed about the actual plans and building codes that would be required to be met. Johnson discussed a new program the County has created to assist non-professionals in developing their property. Johnson said the County has created a Property Development Advisory Team comprised of professionals from all the development departments. Those people involved are professionals from Planning & Zoning, Building Inspections, Fire Marshal's Office, Central Permit Office, and Environmental Health Department. Johnson said that the property owner has met with this team and now has a good understanding of what will be required as the property is developed. Johnson said the Property Development Advisory Team has met with Reverend Clark and detailed the requirements he will need to meet. Johnson provided the Board with the report that was provided to Clark from this advisory team.

**Reverend Jimmie Clark**, Lexington, North Carolina, said that the Property Development Advisory Team was extremely helpful to him. Clark provided the

Board with a information packet of their project. Clark explained that he is the founder and president of the Farmer Christian Academy. Clark said William Joseph McNamara, Wiley B. Cameron, Sr., and Ben Wesley Mayo are the directors. Clark said the purpose of the project is to provide a boarding academy for girls at the Old Farmer School. Clark said the Christian academy will care for abused, abandoned, neglected, and medically needy children and troubled teenagers. Clark said there are four progressive areas that produce results in the students at Farmer Christian Academy: spiritual, educational, physical, and emotional. Clark discussed the academy that they operate in Florida and its success. Clark provided several pictures of the Florida academy. Clark described the site plan of this proposed academy. Clark said the buildings would be used for the same intended use as they were originally built. Clark said the only building that would change would be a building for the kitchen area, dorm rooms, and bathroom facilities. Clark said this building is marked on the site plan. Clark provided a letter from the Building Inspections Site Plan Review Officer David Bryant concerning the changes that would need to be made to this building. Clark said this building will be approved for 24 girls. Clark said the personal safety of the girls is of great importance and all employees are CPR trained. Clark said the emergency numbers and directions to the facility are posted in each building for the employees to have if emergency services are called. Clark asked **Hal Powell**, real estate appraiser, to speak to the Board.

**Powell** said that he was hired to answer if this new academy would adversely affect the property values in the neighborhood. Powell said the old Farmer School closed in 1992. Powell said he was a real estate broker at the time and was asked by the County School System to try to find a buyer. Powell said the property and facility was too large for most uses. Powell said he scoured a three-state area trying to find a school or college who could use it, but no one was found. Powell said the property has been largely neglected for 12 years and it hurts property values in Farmer at present. Powell said in order to determine if the proposed school would be an asset to Farmer, he contacted an appraiser, Bob Murphy, in Milton, Florida, where Clark and his associates operate a New Beginnings Christian school. Powell said Murphy did not think that it had hurt property values in that area at all. Powell said Murphy informed him that a house on the same block as the school had recently sold for \$180,000, and that other homes nearby had sold for much more. Powell said Murphy told him that he had never heard of any problems or bad publicity regarding the New Beginnings Christian School. Powell said he contacted Jerry Burden, Senior Vice President of the Region Bank & Trust in Milton, Florida. Powell said Burden informed him that he has known the school well and has lent the school money. Powell said Burden stated that he didn't feel the school had hurt the property values in their area. Powell summarized his report by saying that he felt the neglected buildings at Farmer School are damaging the property values in the area, but putting the

school facility back into service would help property values.

**Clark** presented and read Randolph County Plan Review Officer David Bryant's letter into record. [Attachment 1.](#)

**Jerry King**, Surveyor, reviewed and summarized the site plan. King said the facility was used for over 50 years to educate students in the Farmer community. King said it is a shame to see this facility sitting vacant. King said Clark plans to use the buildings as an educational facility with some student housing. King said Clark has a successful facility in Florida. King said there is not a better existing facility in Randolph County for this type of use. King said the old school should not go to waste.

**Clark** introduced his son **Todd Clark**, 1742 Park Terrace Lane, Winston-Salem. Todd Clark said he is currently a manager of a behavioral clinic at Forsyth Medical Center in Winston-Salem. Todd Clark discussed the type of group therapy that will be used at this facility. Todd Clark said that the property is perfect for the educational facilities and the recreational programs. Todd Clark said the girls will be linked with the community in positive activities. Todd Clark said this is a faith-based program. Todd Clark said the adolescent programs for this type of service is very much needed in our community. **Brown** asked why there are more of these services in Florida and not North Carolina. **Reverend Clark** said he was not sure. **Brown** asked if this facility would be eligible for faith-based funds available from the President. **Clark** said he was not sure.

**Dorsett** asked if the girls are coming voluntarily and how they are referred to the facility. **Clark** answered they come to the facility from the community and churches, etc. Clark said the girls are not forced into this facility. Clark said their attitudes are poor when they come to the facility but through the Lord Jesus Christ they change.

**Dorsett** asked what happens to the girls that can't be controlled. **Clark** said they work through the parents and if a girl will not comply, they contact the parents to come and get the child. **Dorsett** asked if the girls are ever restrained. **Clark** explained that when it is necessary, the girls would restrain the girl resisting, but the staff never restrains the girls. **Todd Clark** said that the staff and students are trained to handle these situations. **Clark** explained that a guardian signs a child into this facility. **Todd Clark** explained that this facility tries to reconnect the girls to their families. Todd Clark said that this facility is to keep the girls out of jail. **Attorney Alan Pugh** asked if there is a government mandate to keep a child that is not following the program. **Pugh** said that the reason for these questions is Board must consider the safety of the surrounding community. **Clark** answered that there is no government mandate that he must keep the child that is not

following the program.

**Clark** said the fire marshal made an on-site inspection of the facility and explained the procedures required to insure the safety of the facility.

**Judy Lowe, Dunbar Bridge Road**, spoke on behalf of the residents residing close to the old Farmer School. Lowe said that she works with the school system of Randolph County. Lowe spoke on behalf of the residents in favor of this request. Lowe said the Farmer community wishes to see the facility be used for this faith-based educational facility. Lowe said the community felt the entire premises of the old school looks better now than at any time in the past several years. Lowe said that it would only seem fair to assume by the show of support at both meetings, the community as a majority is in support of Clark's pursuit of the property for the purpose of a girl's academy.

**Clark** read a notarized letter from **W.A. and Doris Hammond** into the record. The Hammond family resides on the northwest corner of Old NC. Hwy 49 and the Farmer Denton Road. Hammond said they have lived here since 1960 and have seen the property at the old Farmer School location become an eyesore and detriment to their property values. Hammond said they are in full support of Mr. Jimmy Clark and of his plans to open a Christian girls academy at this location.

**Jeff Lamb**, Farmer Baptist Church Pastor, said that in 14 years of ministry he has sent children to this type of facility. Lamb discussed members of his church that have used these kinds of facilities. Lamb said that these facilities keep children out of jail and get these children the help they need to turn their lives around. Lamb discussed four of these types facilities that their church supports. Lamb said that the Department of Social Services sends children to these types of facilities. Lamb asked the Board to consider Farmer when making their decision concerning a facility that is not being used. Lamb said the majority of Farmer supports this request and feels it will be a good thing and that the Planning Board should not allow the County to stand in the way of this project.

**Bill Lineberry**, property owner, said he didn't feel there would be a better use of this property. Lineberry discussed the work that Clark and his girls from Florida have done to improve the property.

**Rebecca Lineberry**, property owner, 2709 Farmer Road, Denton, discussed their daughter that attended a school in Idaho because of behavioral problems. Lineberry said their daughter was a runaway and the only way to retrieve a child is an arrest warrant through the judicial system. Lineberry said this is difficult but the next thing to be done is to ship the child to a facility that is willing to direct the child in the right way. Lineberry asked the Board to keep this in mind

**Clark** read an email from Attorney Mark Moseley, Christian Law Association, Seminole, Florida, into the record. Moseley said Federal law prohibits the Board, in a permit process, from imposing a regulation that will substantially burden one's religious exercise. Moseley said the law that states this test is called the Religious Land Use and Institutionalized Person's Act (RLUIPA). Mazel said the specific test described is the substantial burden placed on the religious use of the property.

**Clark** asked for the privilege to address any concerns of opposition that may be brought up.

**There were 40 people present in favor of this request.**

**Jeanette Snyder**, 1048 Klopman Mill Road, Denton, said that she worked in this type of facility. Snyder said that children find love in this type of home. Snyder asked the Board to approve this request.

**Wayne Jones**, pastor of Rainbow Baptist Church in Aberdeen, said that they have had to place children in this type of facility. Jones said that this would be a blessing to their ministry and many other ministries in the area.

**Jon Megerian**, Attorney, said he told Clark and Johnson that there have been a lot of changes to this request. Megerian said this is not a school; it is a treatment facility. Megerian said Clark's son described this as an out-of-home treatment facility. Megerian said this should not be called a school, it should be called a group home. Megerian said he is still not sure if this facility of treatment for adolescents will be required to be licensed by the State. Megerian said that he felt this was a valid argument, and this is different from the old Farmer School. Megerian said that it has repeatedly been referred to as a home. Megerian asked questions concerning the report written by the Property Development Advisory Team. Megerian said the report repeatedly said that an engineer would be required and the facility would need to meet the N.C. Building Code. Megerian said he felt there are public health and safety concerns for the community. Megerian said he still questions if the property values in the area will be adversely affected. Megerian asked if these conditions required on this report would be required on the Special Use Permit. Megerian said his client would like to see the requirements spelled out in the Special Use Permit. Megerian said the plans have been substantially revised but they need to be finalized. Megerian said the buildings are obviously unsafe at their current state. **Dorsett** asked who Megerian is representing, and **Megerian** answered **Wallace Garner**, an adjoining land owner. Megerian said they are not going to stand in the way of the whole neighborhood but they would like to see their concerns answered in the Special

Use Permit requirements.

**Clark** read from the summation of Bryant's letter. **Bryant** said Clark expressed an understanding and willingness to comply with all applicable development codes for the proposed use. **Todd Clark** said that this is not a treatment center. This is a faith-based recreational and educational facility. **Clark** said there is no professional therapist on staff. Clark said that he is not required to have an engineer because the only building that would be changing occupancy will be under 2500 sq. ft.

**Phil Ridge** asked Johnson about the size of facility being permitted. **Johnson** explained that the Building Code Standards would restrict the number of students that could attend. Johnson explained if any other buildings were to be constructed or any substantial change made to the existing proposal, Clark would be required to come back to change the Special Use Permit. **Clark** said he would only be allowed to have 36 people (28 girls and 10 staff). **Johnson** said if Clark expands beyond what is being discussed, he will need to return to this Board. **Rains** said that the drawing shows 24 beds and this is what the special use permit would be issued for. **Brown** said that the facility would be approved for 38 people. **Clark** said he realized if he expands the facility he will need to come back to this Board. **McDowell** asked if they will be licensed by the State. **Clark** said no, they will not be licensed, but they will be like any other Christian school. **McDowell** asked if they were going to home school these children. **Clark** said the students will be graduates of a Christian school. **McDowell** asked if the facility in Florida was his facility and **Clark** answered that he is Vice President of that facility. **McDowell** asked if New Beginnings is incorporated. **McDowell** asked about Sheraton House Family Facility. **Clark** answered that their home operates independently. **McDowell** asked if there was a 501(c)(3) organization over their facility. **Clark** said this facility will work under a local church and churches are 501(c)(3) organizations. **McDowell** said that his organization would have to be a 501(c)(3) organization. **Clark** said that this is an area that he is working on. **McDowell** asked if the donations are being made to SALT. **McDowell** questioned the organization and if it is a 501(c)(3) organization. A citizen spoke up and asked if Clark can become incorporated before this permit is issued under Zoning. **McDowell** said that these are the types of issues that the Board must consider. **Clark** explained that he is established under Victory Baptist Church. Clark said he is an evangelist and he is under a church. **McDowell** questioned the time table for this project. **Clark** said that he will start on the dormitory building. Clark said that in 6 months to a year he will have children in these buildings. Clark described a building that will be boarded up. Clark said he felt most of the campus would be completed within 6 months to a year. A citizen spoke again and said that the community is not concerned by the building that may have to be torn down. **McDowell** continued to question Clark on the buildings. McDowell

said the girls will be coming from all over the country. **Clark** said that is correct. **McDowell** said that at the last meeting the Board was told that the girls would not be pregnant or on drugs. **Clark** explained that the children must be off drugs for a period of time. Clark said the school is not a detox place.

**Brown** said he felt the discussion may be getting off track and the Board should focus on if the four tests required to issue a Special Use Permit have been met. **Dorsett** asked Johnson if the applicant receives a certificate of occupancy before the buildings are occupied. **Johnson** answered that a certificate of occupancy is issued for each building before it is occupied.

**McLeod** asked if the entire facility was fenced. **McDowell** said that it is not entirely fenced.

**Brown** asked about the different proposed uses of the property and **Johnson** said that they exceed the requirements of all zoning codes for any of the uses discussed.

**Rains** advised Clark that it would be helpful to have an architect or engineer on his team so that the Inspections Department can see exactly what is being proposed. Rains said an engineer can lead a team in this process. **Dorsett** said that in the minutes of the last meeting the Board requested four specific things:

- \*\*a detailed site plan of each building and future renovations
- \*\*time table for renovations
- \*\*supervision that would be provided
- \*\*responsible organization

**Dorsett** said he didn't feel the Board received adequate answers to these concerns. Dorsett said in the future a site plan should be required from a professional, and not the Planning Staff. Dorsett reminded the Board of a zoning ordinance proposal that the Planning Board had recommended the Commissioners adopt that outlined specific requirement of site plans. Dorsett said he felt the staff becomes prejudiced when they provide this service to the applicant.

**Johnson** said this has been the most reviewed request at this level of the process than any project submitted for a Special Use Permit. **Dorsett** said the applicant needs to be provide the information to the Board and not to the staff. Dorsett said the applicant only provided a general site plan and one specific building plan. Dorsett said the Planning Board is not getting the information necessary to make a decision. Dorsett said this information is needed to make intelligent decisions for this County. Dorsett said he is not faulting Johnson, but he is faulting the system. **Johnson** said that engineer and architectural final plans are normally submitted to county inspectors after the initial zoning approval.

**Rains** asked if these documents in question are required by the staff. **Rains** said he thought the Board reviewed land use plans and that there were regulatory agencies charged with the specific responsibilities of determining if a facility met building codes and licensing requirements. **Johnson** said he felt the plans provided were good. **Dorsett** said he didn't feel the plans the Board is receiving are adequate.

**Rains** made the motion, seconded by **Craven**, to approve this Special Use Permit as having met the four tests required for issuance.

**McLeod** asked about a buffer along the Garner property. **Ridge** said his concern would be that if the facility grew, fencing or buffers may be necessary. **McLeod** agreed that buffers should be considered if the facility grew.

**Megerian** advised the Board that the Garners do not care about a buffer.

**Johnson** said the Property Development Advisory Team Report will be attached as a condition of the Special Use permit.

The motion passed by a vote of 6 to 1, **McDowell** voted against the motion.

- C. **RANDOLPH ELECTRIC MEMBERSHIP CORPORATION**, Asheboro, North Carolina, is requesting a Special Use Permit to construct a public utility substation on 9.20 acres located at the corner of New Hope Road/Lou Cranford Road, New Hope Township, Zoning District RA, Tax ID# 6695876821. Glen & Mozelle Cagle - Property Owners.

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved as a public necessity.**

**Ron Gunnell, 1533 Cliffwood Drive**, Randolph Electric Membership, said that in August 2003 the transformer supplying this area was at 92% capacity. **Gunnell** said the voltage drop before regulation of the sub-transmission line is 89% of the recommended maximum load. **Gunnell** explained the voltage drop before regulation of the distribution line in New Hope is 132% of the recommended maximum load. **Gunnell** said complaints of blinking lights and related problems

in this area are worse than Randolph EMC's average for the system. Gunnell said REMC has received approval from the Rural Utility Service to build a substation in this area.

**Johnson** asked Gunnell about the possibility of a buffer along the state roads. Johnson said that the community comments were concerning the fence and the buffer being proposed. Gunnell supplied a site plan with these screens and buffers and said REMC would add the buffer and fence as part of their conditions.

**Craven** said that the neighbors are wanting a buffer.

There was no one present in opposition to this request.

**Brown** made the motion, seconded by **Craven**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

- D. **CURTIS TINCHER**, Asheboro, North Carolina, is requesting a Special Use Permit for a planned rural development to allow a second residence for his parents at his residence located on 6.00 acres at 7548 Old N.C. Hwy 13, Richland Township, Zoning District RA, Tax ID# 7666752245.

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the new Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved.**

**Johnson** said that the applicant has enough land to meet subdivision regulations, but Tinchler only plans to allow his wife's parent to live on the property.

**Tinchler** said that he has owned the property for 8 years, and due to health problems of his wife's parents, they need to be moved from West Virginia to here. Tinchler said that this will allow him and his wife to care for her ailing parents.

There was no one present in opposition to this request.

**Brown** made the motion, seconded by **Rains**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

- E. **JAMES RICH**, Asheboro, North Carolina, is requesting a Special Use Permit to construct a 54' x 54' building for storage of business equipment & materials and

personal storage at his residence located on 2.80 acres at 850 Jericho Road, Back Creek Township, Zoning District RA, Tax ID# 7722567234. Trulie B. Rich - Property Owner.

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved as a low-impact use and will not have an adverse impact on the community.**

**Rich** said that his family has owned this property for 7 generations. **Rich** said that he plans to live in this old home place, and he needs to have a building for his equipment. **Rich** said that the property is fenced. **Dorsett** asked what type of building he plans to construct. **Rich** said that it is a Quonset hut.

There was no one present in opposition to this request.

**Craven** made the motion, seconded by **McLeod**, to approve this request for a Special Use Permit. The motion passed unanimously.

- F. **E. P. CLODFELTER, JR.**, Randleman, North Carolina, is requesting a Special Use Permit for a rural family occupation of a used auto sales dealership with a maximum 3 vehicles display area at his residence located on 50.42 acres at 10680 Randleman Road, Level Cross Township, Polecat Creek Watershed, Zoning District RA, Tax ID# 7768024850.

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved as a low-impact use.**

**Clodfelter** was present and explained his intent to have a dealer's license and store 2 vehicles at the highway and possibly 3 or 4 near the barn at the rear of his residence. **Clodfelter** said that he plans to also sell some farm tractors, trailers, etc. **Clodfelter** said that he will not building any additional buildings. **Clodfelter** said that he has a circle drive, and he will not store any vehicles near **Clodfelter**

Trail. **Brown** asked Clodfelter about the office that he would use. **Clodfelter** said that he plans to use his existing barn.

**Joe Byerly**, Greensboro, said that he didn't want the used cars to be displayed right beside his property. **Johnson** said that Clodfelter said he would not have more than 2 vehicles displayed at his lower drive and no more than 3 vehicles at the barn. These figures do not include his personal equipment.

**Byerly** said that he would not be opposed to these restrictions.

**Mrs. Byerly** said Clodfelter does take pride in his property and she would like to see the property kept nice. Byerly said that she is concerned about the signage and the existing trailers on the property.

**Brown** said the Board can require the sign at the barn and not the road. **Johnson** said that the sign could be as small as a 2' x 2' sign.

**Clodfelter** said that there is a mobile home park across the road and an industrial park adjacent to the property.

**Brown** made the motion to **approve** the request with the following conditions:

- \*no sign allowed at the road
- \*maximum of 2 vehicles at the road (near the lower drive entrance)
- \*maximum of 3 vehicles cars at the barn.

**McLeod** seconded the motion and the motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **NANCY HOFFMAN**, Jamestown, North Carolina, is requesting that 2.31 acres (out of 8.70 acres) located at 5432 Edgar Road, New Market Township, be rezoned from Residential Agricultural to Heavy Industrial/Conditional Use. Randleman Lake Critical Watershed. Tax ID# 7736280894. The proposed Conditional Use Permit would specifically allow a 70' x 47' addition of the existing sign manufacturing business.

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to**

**the County Planning Board that this request be approved.**

**Ricky Bevins**, General Contractor, said that the Hoffmans want a small addition to their facility for shipping and receiving purposes. Bevins said this is a small family business that has operated here for 30+ years.

**Dorsett** asked how many employees the business employed. **Bevins** answered 5 employees.

There was no one present in opposition to this request.

**Dorsett** made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- B. **LARRY EAST**, Sophia, North Carolina, is requesting that 67.07 acres located on Stewart Street (off Marlboro Church Road), New Market Township, be rezoned to allow an exclusive residential cluster subdivision overlay. Tax ID# 7745095586. Zoning District RA. The Conditional Use Zoning District would specifically allow a 35-lot residential cluster subdivision for site-built homes with a minimum house size of 1,200 sq. ft.

- **Neighborhood Information Meeting Summary**

**Approximately 15 citizens attended the Neighborhood Information Meeting. They generally expressed three major concerns:**

1. **They did not want the new subdivision to have access off of Stewart Street because it is a dirt state road.**
2. **Citizens were concerned about the proposed “off-site” septic systems and the impact they might have on their wells.**
3. **A citizen was concerned that the proposed 1,250 sq. ft. minimum house size was not compatible with new and existing residences in the community.**

- **Technical Review Committee Recommendation**

**The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. *The Technical Review Committee recommends to the County Planning Board that this request be approved.***

**Examples of some Growth Management Policies that the Technical Review**

**Committee found supporting this recommendation are:**

- Policy 6.4**     **Innovative and flexible land planning techniques shall be supported as a means of encouraging development configurations which are more desirable and which may better safeguard existing natural land and water resources.**
- Policy 6.7**     **Open space flexible cluster subdivisions shall be encouraged through Special Use Permit zoning in all growth management area.**
- Policy 6.13**    **Each lot in a subdivision planned for single-family residential development shall be designed to contain well and septic tank on the same lot as residence unless alternate system approved through “open space” clustering designs.**

**Johnson** explained that the property has been used for truck trailer storage for several years.

**Charles Morgan**, Surveyor, said there are 50+ acres to be considered. Morgan said East lives at this location and plans to retain ownership of a portion of the property. Morgan said East is limited to the design of the development because of the existing road on the property. Morgan said due to the existing road and the parking situation, only 35 lots could be proposed. Morgan said they are proposing 70% of open space and only 30% of the property in actual lots. Morgan said each lot has 100+ feet in width. Morgan said most of the lots would be able to maintain their individual septic system, but a few lots would require off-site systems in the open space. **Johnson** asked about the concern of the proposed house size. Johnson explained that the Development Impact Analysis determined the average house size within 1 mile of the site as 1,500 sq. ft. Johnson asked if the applicant has given any consideration to these numbers. Johnson said there is also concern of buffers along the property line near Stewart Street. **Morgan** said there would be no problem with planting a buffer along the entrance outside the right-of-way. **Brown** said he felt these open-space subdivisions should be designed with the lots in the middle of the property. Brown asked about the homeowner’s association. **Morgan** explained the proposed homeowner’s association agreement. **Brown** asked if there were any by laws about maintenance of the open space. **Morgan** answered the by laws would require the homeowner’s association to maintain the open space. **Brown** said his concern would be if the members decided not to maintain the property. Brown said these types of problems should be addressed in the homeowner’s association agreement. **Dorsett** discussed his concerns about off-site septic tank systems. **Morgan** said they have hired a professional engineer to work with these systems.

**Brown** asked about the dirt road the entrance would be accessing. **Morgan** said East has contact NCDOT concerning paving the road. Morgan said all the right-of-way has been acquired by the State and NCDOT plans to pave the road in the fall.

**Beverly Shipton**, 4237 Stewart Street, said that their biggest concerns are with the water and the septic tank systems. Shipton said they still have not received any answers for these concerns. Shipton said they have constructed a 2,200 sq. ft. home, and her parents have built a 2,400 sq. ft. home recently. Shipton said they are concerned about who would see that the regulations are met. Shipton expressed concern for their children and pets. Shipton presented a petition of those people opposed to this development. There were 44 signatures on this petition.

**Nancy Essick**, 4175 Stewart Street Extension, said they are concerned with the septic tank systems and wells. Essick said they have farm animals that drink from the creek, and they are concerned about the impact this development would have on the creek. Essick said they are concerned with the small house size. Essick said no one on this road has a house this small. Essick expressed concern for the dirt road and the speed limit on the road.

**Paul Delaisse**, 4298 Stewart Street, said this would affect the quality of living in their neighborhood because of the water, septic tanks, and traffic problems. Delaisse asked about distance requirements to his existing driveway. Delaisse said his property will be surrounded by drives and with a 2 year-old child this could be dangerous. Delaisse asked why the entrance could not come from Highway 311. Delaisse said there is some business conducted from this property. Delaisse said the housing would be too small for the area. Delaisse said lots 1-3 would be approximately 100 ft. from his house. Delaisse expressed concern all these developments being approved in the area would impact the school. Delaisse also expressed concern about the effect this development would have on the property values of adjoining parcels.

**Morgan Reilly**, 4288 Stewart Street, said he rents a house on this road. Reilly said he felt this property should be required to have public water. Reilly expressed concern if the septic tanks malfunctioned and the impact this could have on the drinking water in this area.

**Johnson** said this property was turned down for industrial zoning six years ago.

**Rains** asked if the tract being proposed adjoining Delaisse would be an additional building lot. **Morgan** answered that if the 5-acre tract would perk it would be an additional building lot.

**Brown** expressed concern for this many new lots on a dirt road, the house sizes being proposed, and the off-site septic systems. Brown said he felt the cluster developments should cluster the lots in the center of the parcel. Brown said he felt the neighbor's concerns were valid.

**Brown** made the motion to recommend to the Commissioners that this request be denied based on the following concerns:

- \*the dirt road not being adequate to handle this many additional home sites
- \*proposed lot sizes too small
- \*proposed house sizes too small

**Rains** added his concern that the development as proposed would create a situation that the Delaisse property would have drives on all sides. Rains said the proposed 5-acre tract was not included on the proposed plan.

**Craven** seconded the motion. The motion passed unanimously.

6. **Johnson** announced the Commissioners had appointed Alan Pugh as County Attorney. Johnson explained that Pugh has been asked by the Commissioners to attend the Planning Board meetings each month.
7. The meeting adjourned 9:44 p.m. There were 94 people present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

*HAL JOHNSON*

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**Planning Director**

*JILL WOOD*

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**Date**

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**Clerk/Secretary**